

REMARKS**Status of Claims**

Claims 1, 2, 11-13, 16-27, 30, 31, 36, 39, 44 and 45 are currently pending as the claims for which Applicants have paid. Claims 46-55 were intended to be cancelled as stated in Item 3 of the "In the United States Patent and Trademark Office Request for Filing a Patent Application under 37 CFR 1.53(b)). By this Amendment, Applicants again request the cancellation claims 46-55. Applicants submit that these claims were included in the application as filed in interest of providing notice to the public of certain specific subject matter intended to be claimed, and were intended to be canceled at the time of filing this application in the interest of reducing filing costs. Applicants expressly state that these claims are **not** being canceled for reason related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.

By this Amendment, claims 3-10, 14-15, 28-29, 32-35, 37-38, 40-43 and 46-55 were cancelled without prejudice or disclaimer. No new matter is added by any of these amendments.

Restriction Requirement

Applicants hereby elect, with traverse, to prosecute Group I, which includes and is drawn to Claims 1-2.

Applicants traverse the restriction requirement which was imposed in the Office Action mailed February 24, 2004 for at least the following reasons.

Applicants reserve the right to prosecute the non-elected subject matter in subsequent divisional applications.

Rejoinder of Method Claims Upon Allowance of Product Claims Under US Practice

Applicants respectfully request that Group VI (Claim 20), Group VII (Claims 21-22), Group VIII (Claim 23), Group IX (Claims 24-25), Group X (Claim 26) and Group XI (Claim 27), drawn to methods of using the elected polypeptides of Group I should be rejoined per the

Commissioner's Notice in the Official Gazette of March 26, 1996, entitled "Guidance on Treatment of Product and Process Claims in light of *In re Ochiai*, *In re Brouwer* and 35 U.S.C. § 103(b)" which sets forth the rules, upon allowance of product claims, for rejoinder of process claims covering the same scope of products. Likewise, Applicants also respectfully request that Group V (Claim 19), Group XII (Claim 30), Group XIII (Claim 36), Group XIV (Claims 39), Group XV (Claims 44-45) and Group XVI (Claims 46-55), drawn to methods of using polypeptides of Group V, methods of using polynucleotides of Group II and methods of using or making antibodies of Group III should be rejoined.

No Undue Burden

Applicants respectfully request that the invention encompassed by the claims of Group V (claims 17-18), drawn to composition of polypeptides, could be examined at the same time as the invention encompassed by the claims of Group I without undue burden on the Examiner. For example, a search of the prior art to determine the novelty of the polypeptides of Group I would provide information regarding the novelty of the polypeptides of Groups V.

Applicants further request that the invention encompassed by the claims of Group II (claims 12-13) and Group III (claims 11 and 31), drawn to polynucleotides and antibodies, respectively, could be examined at the same time as the invention encompassed by the claims of Group I without undue burden on the Examiner. For example, a search of the prior art to determine the novelty of the polypeptides of Group I would provide information regarding the novelty of the polynucleotides and the antibodies of Groups II and III.

Therefore, Applicants respectfully request that the Examiner withdraw the Restriction Requirement and examine all the claims in a single application.

CONCLUSION

If the Examiner contemplates other action, or if a telephone conference would expedite allowance of the claims, Applicants invite the Examiner to contact the undersigned at the number listed below.

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. **09-0108**.

Respectfully submitted,
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